

BEST AVAILABLE COPY**REMARKS**

Claims 1-17 are pending in the case. Applicants have amended claims 1 and 16 to include a limitation regarding the pH of the composition. Support for this amendment is found, at least, on page 10, lines 25-29 of Applicants' specification.

Response to the Office Action**The Rejection under 35 U.S.C. § 103 over Terry et al. in view of Boucher**

Claims 1 and 3-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662). Applicants respectfully traverse this rejection. The references do not establish a *prima facie* case of obviousness. There is no suggestion or motivation to combine the references, as required in MPEP 2143.01. Using Boucher's acidic pH for the Terry et al. composition would render a key element of Terry's stain remover (hydrogen peroxide) ineffective, according to Terry et al.'s own statements. A *prima facie* case of obviousness cannot be established if the proposed modification renders the prior art unsatisfactory for its intended use (see MPEP 2143.01). Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The proposed modification cannot change the principle of operation of a reference. MPEP 2143.01. Terry et al. achieve stain removal by using a basic solution (Col. 2, lines 63-65 and Col. 4, lines 7-9). Specifically, Terry states "Hydrogen peroxide is stable in acid, but decomposes in base to form reactive species that attack the staining material and cause it to break down." (see Col. 2, lines 52-54). To change Terry et al.'s formula to an acidic solution would change Terry's principle of operation. Namely, that *his cleaning solution needs to be basic to clean*. Therefore, Applicants contend that the rejection is improper and should be withdrawn. The Advisory Action stated: "The secondary reference is used to illustrate the known concept that one of ordinary skill in the art at the time the invention was made would be motivated to lower the pH of the composition of the primary reference." Applicants respectfully contend that there can be no motivation when the proposed modification would defeat the primary reference's principle of operation. Both the MPEP and case law support this position.

In addition, Applicants have amended the claims to require that the composition has a pH between 0 and 6. Since a pH of 6 is 10 times more acidic than Terry et al.'s "about 7," Applicants contend that Terry et al.'s disclosure does not encompass the claimed invention. For these reasons, Applicants respectfully contend that the claimed invention is not obvious in view of the cited references.

The Rejection under 35 U.S.C. § 103 over Terry et al. in view of Boucher and Grippaudo et al.

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662) and further in view of Grippaudo et al. (US 6,403,547). Applicants respectfully traverse this rejection. The references do not establish a *prima facie* case of obviousness. There is no suggestion or motivation to combine the references, as required in MPEP 2142.01. As discussed above, using Boucher's acidic pH for the Terry et al. composition would render a key element of Terry's stain remover (hydrogen peroxide) ineffective, according to Terry et al.'s own statements. A *prima facie* case of obviousness cannot be established if the proposed modification renders the prior art unsatisfactory for its intended use (see MPEP 2143.01). Grippaudo does not provide further motivation regarding these issues. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

Finally, Applicants note that the Advisory Action states "applicants have not provided any additional data or showing of unexpected results to overcome the rejection of record...". Applicants respectfully note that the Applicants' position is that a *prima facie* case of obviousness has not been established because the references would not be combined for the reasons stated above. This argument does not relate to the advantages of Applicants' invention. Therefore, additional data and/or a showing of unexpected results is not needed.

Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. WHEREFORE, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein and allowance of Claims 1-17.

Respectfully submitted,

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